

HARRIS HINTS AT FOUL PLAY

Says He Does Not Think Army
Rifles Were Used in Browns-
ville Riot.

WOULD GO WHERE HE PLEASED

Was Not Treated Badly Because
He Did Not Place Himself in
Awkward Position.

WASHINGTON, D. C., February 5.—The hearing on the Brownsville affair, in which negro members of the Twenty-fifth Infantry were alleged to have "shot up" the town, was resumed before the Senate Committee on Military Affairs today. A large map of the Fort Brown barracks and of the town had been placed upon the walls of the committee-room during the night, and was carefully studied by the Senators before the business of the day began.

The witnesses, whose numbers had grown to twenty, were again corralled in one of the corridors of the Senate, and one of them allowed to enter the Senate committee-room at a time. The session began with former Sergeant Harris, of Company D, still on the stand and under a sharp fire of cross-questioning by Senator Warner.

Mr. Warner's question related largely to the time when the soldiers were called for the roll-call and inspection. Harris could not state definitely the time, but said that it was very early in the morning. It might have been half-past 6, but it was nearly dark.

Senator Lodge then stated that the records of the Naval Observatory showed that the sun rose at Brownsville on August 14th at 5:27 A. M.

Senator Warner had the witness detail trouble that had previously occurred between citizens and members of the Twenty-fifth Infantry at Fort McIntosh and San Antonio, Texas, and the witness said that on account of the feeling engendered against the soldiers he had determined not to re-enlist, and was continuing to expect trouble because of prejudice against the race.

Senator Overman asked the witness if he had ever had any trouble, and he replied: "No, sir."

"Would the other men have had trouble if he had behaved himself as you did?" said Senator Overman.

"I don't know," was the response.

No Back Door for Them.

Harris said he was not treated badly because he did not put himself in a position to be so treated, but that the men generally complained because they were compelled to enter saloons by the rear doors. He could not give any instances of ill-treatment of others, but he wanted, he said, "the American right of going where he pleased."

Senator Foster then examined the witness regarding the bullet cases and shells sent to the Senate by the President with his message; but it appearing that the bullets and shells had been returned to the War Department, further questioning on that line was discontinued, to be taken up again.

The witness believed the firing on the night of the Brownsville affair had come principally from Winchester and six-shooters, because he said he was familiar with the sounds of various makes of weapons, and that he heard no firing from Springfield, which with the Twenty-fifth was equipped. When questioned by Senator Foster, he stated that it was his impression only that Springfield was not used. He had hunted game in Montana, and thought he could tell the sound of a Winchester.

The witness was then excused, and the committee adjourned until tomorrow at 10:30 A. M.

NORTHERN PACIFIC TO BE INVESTIGATED

The Indian Appropriation Bill
Consumed Entire
Day.

WASHINGTON, February 5.—Senator Hiram Bland presented a resolution in the Senate today, providing for a special committee of five Senators to investigate the reorganization of the Northern Pacific Railroad property, "to ascertain what title and estates are owned by the corporation which was created by act of Congress of July 2, 1891, and if said Federal corporation has no title or estates in any property, then what reason there is why said charter act should not be fully repealed by Congress."

The resolution provides for sending for persons and papers, etc. It was referred to the Committee on Pacific Railroads.

The Senate spent the entire day in considering the Indian appropriation bill, without concluding the discussion of Senate amendments. The measure is to be before the Senate tomorrow.

The army appropriation bill was reported to the Senate, and will be taken up as soon as the Indian bill has been disposed of. The bill carries \$1,500,000.

RIVERS AND HARBORS.

House Members Make Many
Speeches on Bill.

WASHINGTON, February 5.—General debate on the river and harbors appropriation bill, which has been before the House since last Wednesday, was terminated at 3 o'clock this afternoon, when the reading of the bill was begun under the five-minute rule. During the hour devoted to general debate to-day speeches were made by Messrs. Keffer, of Ohio; Davidson, of Wisconsin; Humphreys, of Mississippi; Sparkman, of Alabama; Lloyd, of Missouri; Robinson, of Arkansas; and Burkhead, of Alabama. The reading of twenty pages of the bill was completed before adjournment.

Regret Comes to the Living after the dead have died!

Why not anticipate, and keep always in the
home a bottle of

Gowan's Pneumonia Cure

Externally applied it VANQUISHES the King
of Disease, Pneumonia, and Cures all Colds.

All Druggist 25c. and 50c. and \$1.00.

It relieves within 4 hours and cures within 4 days.
It cures colds, coughs and croup in less time.

Neurology

The Evils of Eye-Strain Conquered.

By DRS. RUDD & BUCHANAN, Neurologists.

Nervous energy or vitality operates the human machine, just as steam or electricity operates the mechanical machine. Any excessive demand upon this vital energy, or disturbance of its regular flow, is certain to show as a functional derangement of some of the organs. We point to the fact that the human eye consumes ten per cent. of all the power generated in the brain—that is, the eyes are entitled to that much by Nature's assignment; but when they are defective they will involuntarily get the upperhand of the rest of the nervous system, and use up more nerve energy than they are entitled to, sometimes as much as seventy-five per cent. of all that is generated, in their effort to overcome their defects and maintain vision. This constitutes eye-strain. With these facts in view, it is easy to see that if the eyes consume an amount of the body's supply of nerve force in excess of their natural share, some other organ must suffer, because the eyes have thus become a leak on the system, and have so exhausted the supply of vitality that no organ can perform its function perfectly, purely from lack of the necessary power to operate it. Then medical doctors will find symptoms of deranged functions and treat the symptoms. We proceed to find the cause and remove it, and the symptoms will disappear of themselves. There is nothing mysterious about this. No theory is worthy of confidence until it has been practically demonstrated. More than ten thousand successful cases, hundreds of which had tried other methods as practiced by the most eminent old-school specialists, is about the best demonstration of the superior merits of Neurology that could be given.

Hours 9 to 5

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Appointments Made

501 East Grace Street

WAITING NOW FOR VISIT OF SCHMITZ

Suspension of War Talk Pending
Arrival in Washington of San
Francisco Mayor.

SEE THE PRESIDENT FRIDAY

Local Officials Expected to Yield
to President's Will, But New
Treaty Doubtful.

[From Our Regular Correspondent.]
WASHINGTON, February 5.—There was no resumption of war talk in Washington to-day. Everybody is waiting for the arrival of Mayor Schmitz, of San Francisco, and the school board of that city, who left yesterday for Washington to see the President, in response to his request for a conference. The declaration of Mayor Schmitz just prior to leaving for Washington, that the board might yield in the matter of excluding Japanese children from schools for white children, is believed to make it morally certain that the board will do so. But it is becoming clear that the Senate will not ratify a treaty which provides for the exclusion of Japanese laborers from the United States, if it also contains a reciprocal provision that American laborers shall be excluded from Japan. The settlement of the school question, therefore, will not insure a settlement of the entire controversy with the Mikado's government.

See President Friday.

Representatives Kahn and Hayes, of the California delegation, saw President Roosevelt this afternoon and arranged for him to see Mayor Schmitz, of San Francisco, and the school board of that city on next Friday. The representatives were with the President probably fifteen minutes. In view of the fact that the gravity of the situation of the Japanese children in the conference which they had with the President last week, the nature of which they discussed rather freely, the representatives would not say a word concerning what was said at the meeting to-day.

Everybody is preparing to expect a backdown on the part of the San Franciscans, and the entrance of Japanese children into all the white public schools. It remains to be seen what will be decided by the Japanese government after the school question is disposed of. It will probably be a demand about as difficult to fulfill. It is not expected that the new treaty will be negotiated, will settle permanently our differences with Japan. That the negotiation of a new treaty will be brought to a successful issue is seriously doubted.

REP. LIVINGSTON CONFERES WITH GARFIELD

WASHINGTON, D. C., February 5.—Representative Livingston, of Georgia, author of the resolution adopted by the House yesterday, providing for an investigation by the Department of Commerce and Labor of the New York Cotton Exchange, today conferred with Commissioner of Corporations Garfield, who will conduct the inquiry. The subject was discussed at considerable length, but Commissioner Garfield declined to say anything in regard to the matter, beyond the statement that Representative Livingston, who has collected considerable information upon which the inquiry will be based, will present all the information in his possession to the commissioner of corporations. Mr. Garfield stated that he had not yet received the House resolution, and that the investigation would be conducted in the regular routine of business.

MEN ON SOUTHERN GET AN INCREASE

Advance Will Affect Hundreds of
Men of All Employ-
ments.

\$400,000 ANNUAL INCREASE

Amounts Range All the Way
From Six to Twenty-Five
Per Cent.

WASHINGTON, D. C., February 5.—All conductors, trainmen and yardmen of the Southern Railway are to receive an increase in wages aggregating between \$350,000 and \$400,000 a year. The advance affects hundreds of men. For several weeks General Manager Acken and other officials of the Southern Railway have been in conference with committees representing the men, who urged that because of the increase in living expenses during the past two years they were not able to live on the pay they then were receiving, and they asked for a horizontal increase in wages.

A satisfactory adjustment finally was reached to-day. No flat percentage of increase in wages is given to any class of employees, but the increase in every case being dependent entirely upon conditions. The increase amounts, however, from six per cent. as the minimum, to twenty-five per cent. as the maximum. Though freight conductors are to be paid on a basis of \$2.18 per hundred miles; local freight conductors, \$2.50 per hundred miles; local freight brakemen, \$2.15 per hundred miles, and through freight brakemen \$1.75 per hundred miles. Other conductors and trainmen are granted proportional increases, as are the yardmen.

Post-Office Appointments.

WASHINGTON, D. C., February 5.—These postmasters were appointed to-day: Lee J. McCartney, vice John P. Keeler, resigned; Dumont, Spotsylvania county, Nellie L. Blankenship, vice D. B. Dunavant, deceased; Egghornville, Culpeper county, Blanche Egghorn, vice F. H. Egghorn, resigned.

PRESIDENT TUCKER CALLS ON PRESIDENT ROOSEVELT

WASHINGTON, February 5.—President Harry St. George Tucker, of the Jamestown Exposition Company, was at the White House to-day and had a talk with President Roosevelt about the coming exposition. He thanked the President for the aid he had given the project, and expressed his appreciation of the action of Congress in providing a loan of a million dollars. Mr. Tucker expressed the opinion that the date announced for the opening of the exposition in April would find the buildings in good shape.

SOUTHERN BALL GREAT SUCCESS

Colonel R. E. Lee Was Floor
Manager—Large Sum Raised
for Veterans.

[From Our Regular Correspondent.]
WASHINGTON, D. C., February 5.—The Southern ball, the annual recurrence of which gives the Southern colony in Washington opportunity to meet together and have a good time once a year, came off to-night. It was pronounced by those who are regular participants in this annual festivity, to have been the most brilliant and enjoyable in the history of the society. The ball was given for the benefit of needy Confederate veterans, and there was a magnificent display of the New Year's decorations. The ballroom was thronged with dancers from 9 o'clock until far beyond midnight. Supper was served at the latter hour. While distinctively Southern men and women were in charge of all arrangements, the dancers and chaperones included very many of the best known people of Washington society who hail from States a long way from Dixie.

Miss Nannie Randolph Beth was in general charge, and Colonel R. E. Lee, Jr., was floor manager. It is understood that a large sum was realized as usual.

BRIGGS SUCCEEDS SENATOR DRYDEN

State Treasurer of New Jersey
Elected by Legislature After
Tiresome Deadlock.

TRENTON, N. J., February 5.—In joint session here to-day the Legislature chose Frank O. Briggs, of Trenton, to succeed Senator Dryden in the United States Senate. He received forty-one out of seventy-eight votes cast. Senator Ackerman (Republican) voted for ex-Governor Briggs and Senator Colby voted for Justice Pitney. James E. Martine, the Democratic



FRANK O. BRIGGS

nominee, received thirty-five votes. There were two Democratic absentees. The only Republican absent was Assemblyman Bucks, who is sick.

Mr. Briggs was born in New Hampshire in 1856. He was graduated from West Point in 1872 and in 1877 resigned to enter the employ of the John A. Robbing Sons Company here as an engineer. He was elected Mayor of Trenton in 1899, and in 1902 Governor Voorhes appointed him State Treasurer, which position he has held. Mr. Briggs is the chairman of the Republican State Committee.

RECIPROCAL DEMURRAGE.

Bill Introduced Protecting Ship-
pers From the Railways.

[From Our Regular Correspondent.]
WASHINGTON, D. C., February 5.—Several members of the Virginia delegation are receiving petitions from business firms who are large shippers, asking them to support a bill which shall make it a crime for the railways to charge the shipper for failure to unload a car within a certain time. It is argued as being nothing more than fair that the companies should pay for failure to furnish the car when demand is made. It is not likely that the reciprocal demurrage bill will be enacted at this session or that any law will be passed affecting the authority of the Interstate Commerce Commission.

HOSPITAL CASE IN COURT TO-DAY

(Continued From First Page.)

over is the Attorney-General's brief, thus making it probable that the case will not be submitted for adjudication before Saturday.

As the court will adjourn for the term this week, if possible, and as the matter at issue is of a preliminary and preparative nature, it is expected that the court will hand down an opinion, or at least announce its decision in the matter, and file an opinion afterwards.

Grounds of Demurrer.

Stated in non-technical language, Messrs. Jeffers and Lawless, who appeared for Judge Tyler and Dr. Foster, demurred to the petition for the writ of prohibition to restrain the Circuit Court of the city of Williamsburg from proceeding with the case, which would be brought before it on the writ of certiorari, upon the following grounds:

I. Because the petition should have been filed in the name of the Eastern State Hospital, the corporation which is authorized to sue and be sued in all matters pertaining to the hospital, and not in the name of the Commonwealth.

II. Because the petition for the writ of certiorari, which Dr. Foster filed with Judge Tyler, was not made part of the petition for the writ to prohibit Judge Tyler from proceeding with the case, and hence it is impossible for the Court or Appeals to say whether Judge Tyler has jurisdiction to issue the writ of certiorari or not, as the facts are not before the Court of Appeals.

III. Because sections 3218 and 3058 of the Code give the circuit courts the right to issue writs of certiorari.

The Perfect Way Scores of Richmond Citizens Have Learned It.

If you suffer from backache,
There is only one way to cure it.
The perfect way is to cure the kid-
neys.

A bad back means sickly kidneys.
Neglect it, urinary troubles follow.
Doan's Kidney Pills are made for
kidneys only.

Are endorsed by Richmond people.
Mrs. G. E. Bowden, of 219 North
Twentieth Street, Richmond, Va., says:

"When a sufferer from any ailment finds relief by the use of a medicine they are more than willing that others similarly situated should benefit by their experience. I want to impress this thoroughly upon residents of Richmond that for backache Doan's Kidney Pills, procured at Owens & Minor's drugstore are unequalled. The pain across my loins was never severe enough to lay me up, but it often made me ardently wish that I knew of some way to check it. Doan's Kidney Pills proved the key to the situation. This remedy can undoubtedly be depended upon."

For sale by all dealers. Price, 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States. Remember the name—Doan's—and take no other.

After-Inventory Sale.

A Really Remarkable China Sale

THE E. B. TAYLOR COMPANY

Main Street Store

All over the store the chances to buy worth-while merchandise for a great deal less than value are keeping the days full of keen interest for the prudent shoppers. There isn't a time in the whole year when dollars will go further than during this "After-Inventory" Sale.

Watch the Green Tags

Haviland China Dinner Sets

101-Piece Dinner Set, was \$30.00, now \$60.00
101-Piece Dinner Set, was \$50.00, now \$35.00
Others Dinner Sets will be offered as follows:
German China Sets, 101 pieces, were \$25.00, now \$20.00
Limoges China Sets, 101 pieces, were \$20.00, now \$13.50
English Porcelain Sets, 101 pieces, were \$15.00, now \$12.00
English Porcelain Sets, 101 pieces, were \$15.00, now \$10.00
American Porcelain Sets, 101 pieces, were \$10.00, now \$6.50

Values in China Salads

On another table we have an assortment of Salads and Cakes at the following prices:
Those that sold at 50c now 25c each.
Those that sold at 75c now 40c each.
Those that sold at \$1.00 now 68c each.
Those that sold at \$1.50 to \$2.00 now 98c each.

Jardinieres and Pedestals

Every China Jardiniere and Pedestal in our stock will be offered this week at 1-3 off regular price, thus making an opportunity to buy a real radical bargain.

Bargains at 10c

On one table will be a large and varied assortment of Plates and Saucers, from which you can pick any piece at..... 10c

Cut Glass Direct from Factory to Purchaser

8-Inch Bowl, handsome cutting; special, each \$4.98
8-Inch Bowl, a big value; special, each \$2.98
Celery Tray; don't miss this; special, each \$2.50
1-quart Decanter, cut all over; special, each \$4.75
1-pint Decanter, whirlwind pattern; special, each \$2.98
Handled Olive Dishes, different styles; special, each 87c
Handled Baskets, regularly \$3.00; special, each \$1.98
Squat Canafe, a beauty; special, each \$2.78
Cut-Glass Tumblers, a limited supply; special, each 35c

Enamel Ware

For the housekeeper we put on sale—
Blue and White 3-Quart Lipped Sauce-
pans; sale price 19c
Blue and White 3-Quart Pudding Pan;
sale price 16c
Graystone 4-Quart Saucepan, with
cover; sale price 27c
Graystone 3-Quart Coffee Pot; sale
price 33c

A Special Sale of Japanese Chinaware

We import direct from Japan, and the goods we offer are the products of the most famous potteries. Our stock comprises Vases, Chocolate Pots, Plates, Salads, Cups and Saucers, Teapots, etc., all beautiful hand-painted designs, and all marked with a Green Tag, which means "Cut Price."

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to issue writs of certiorari. On this point it is said by the demurrer:

"A writ of certiorari lies at common law (and in Virginia, as at common law—Code, section 3) to review proceedings of inferior courts and other tribunals (such as the General Board of Directors of State Hospitals) and officers empowered to proceed in a summary way, or in a mode not in the course of the common law, where no appeal lies or other method of revision is specially provided." Citing: Mechem on Public Officers, section 1011; 2 Virginia Cases, 285; 15 West Virginia, 67; 19 West Virginia, 81; 24 West Virginia, 19; 9 S. E., 833; 19 S. E., 57; 18 California, 49; 1 A. R., 591; 6 Cyc., 738-9, and cases cited in note 9.

"Such proceedings are judicial in their nature, and are subject to judicial review by the courts, even though the power of removal be conferred by the Constitution." 51 A. R., 134-5; Mechem on Public Officers, 455-456.

But the right to invoke the writ of certiorari upon the foregoing leading authorities, Dr. Foster in his answer asserts a number of grounds for its issuance. One of these is that the general board had already determined to remove him from office, and would not give him a fair and impartial trial. On this his answer was the following language:

"The petition and record of said proceeding (before the board) show that not only had said board predetermined respondent's case, but when in support of his protest against their trying him upon the charges preferred he offered proof not only showing this, but that they had actually elected his successor before hearing the evidence on which he was removed in the first instance without a hearing, the said evidence was rejected, and the witness was not permitted to tell the facts." (The witness referred to was Dr. Brunk himself). Continuing, the answer:

"Can it be possible that the law affords to a citizen of this Commonwealth, holding a public office created by the Constitution of the State, and from which he can only be removed for specified causes, upon charges and specifications filed against him, and after a fair and impartial trial, no redress or relief against such arbitrary action as this? Can it be true that even if he be charged with malfeasance, neglect of official duties, or corruption in office, involving not only his right to the office which he holds, but his moral character and reputation as a citizen and a man, there is no way under our law whereby he can secure or be insured a fair and impartial trial? To go hold will be equivalent to

rule to show cause why they should not be adjudged in contempt by reason of their alleged failure to obey the writ of injunction issued in the matter of the Eastern State Hospital superintendency recently. The case was originally set for to-day, but owing to the fact that the attorneys and their client are to appear in the Supreme Court of Appeals to-day, Judge Scott consented to defer until Thursday the appearance in his court.

The Hon. A. C. Braxton, one of the leading counselors in Virginia, has been retained by Colonel Lawless and Dr. Foster, and will appear for them in this proceeding. The argument will be of peculiar interest by reason of the ability of the attorneys engaged and the prominence of all interested.

Before Judge Scott.

Colonel Lawless and Dr. Foster will appear in the Circuit Court of the city of Richmond tomorrow in response to a

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